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April 25, 2023

Hon. Tonianne J. Bongiovanni  
Clarkson S. Fisher Federal Building  
402 E. State Street, Room 2020  
Trenton, NJ 08608

**Re: Bodyguard Productions, Inc., et al. v. RCN Telecom Services, LLC, et al.,  
No. 3:21-cv-15310-GC-TJB – Status Update**

Dear Judge Bongiovanni,

By text order entered January 27, 2023, the Court ordered the parties to provide a status update regarding discovery progress by April 28, 2023, after which the Court would address the issues of bifurcation of discovery and the timing of any settlement conference. The parties write jointly to advise the Court that they are working through discovery-related issues and will provide a more detailed report by May 26, 2023.

Defendants have been preparing a substantial production of documents and data relevant to their Digital Millennium Copyright Act (“DMCA”) safe harbor defense, along with certain other categories of documents requested by Plaintiffs. However, Defendants’ production has been delayed by unexpected technical issues in collecting the data in question and by counsel’s obligations in other pending matters, including a trial scheduled to begin this week in the District of Delaware (which was ultimately avoided by a settlement late last week).

Defendants expect to make this document production within the next several weeks, and the parties agree that Plaintiffs should have an opportunity to review the production before the parties provide a further update to the Court. Accordingly, the parties intend to provide this update by May 26, 2023, unless the Court orders otherwise.

Sincerely,

Edward F. Behm

EFB